

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6466 of 1993

For Approval and Signature:

Hon'ble MR.JUSTICE R.BALIA.

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?  
1 Yes            2 to 5        No

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GUJARAT AGRICULTURAL                      UNIVERSITY

Versus

KARMALBHAI VERSIBHAI RABARI

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Appearance:

MR DG CHAUHAN for Petitioner

MR NILESH M SHAH for Respondent No. 1, 2, 3, 4, 5, 6

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CORAM : MR.JUSTICE R.BALIA.

Date of decision: 23/04/97

ORAL JUDGEMENT

This petition has been filed by the Agricultural University challenging the award of the Labour Court, Surendranagar dated 21.11.1992 in respect of six workmen who are discharging the duties of different trade as daily rated workmen for a long period and who are claiming permanent status and emoluments attached

thereto. The Tribunal has found as a fact while considering the evidence that the concerned workmen having employed around 1975 since then more than 10 years have elapsed that the workmen are working with the petitioner, they have been paid wages for 26 days monthly during this period. In such circumstances the Tribunal has found just and proper to direct that on completion of 10 years of service from the date of appointment they may be treated as permanent and salary payable to the permanent employee in respective trade be made applicable to them . However, no arrears have been allowed prior to 31.12.1991.

The contentions raised in this petition are identical with the contention in SCA 2794/94 and 2795 of 1994 albeit in respect of different workmen. The Tribunal found that the respondents workmen were employed as daily rated workmen for long duration from around 1975 and were being paid wages for 26 days a month and directed the petitioners to make them permanent on their completion of 10 years with effect from their respective appointments and to give benefit of permanent employees with effect from such date restricting the actual payment of arrears with effect from 1.1.1992 or the date on which they complete ten years of service whichever is later only. SCA 2794 of 1994 and SCA 2795 of 1994 have been filed by the same petitioners which have been decided by another order dated 8/23.4.1997.

The learned counsel for the petitioner states that the service of workmen in question shall not be dispensed with in future except in exigencies like action for any alleged misconduct or where there is requirement of declaring the existing workmen as surplus in accordance with law and that this petition may also be disposed of in light of the said decision. He also states that in the scheme which has been directed to be furnished before the Tribunal for granting permanent status to workmen of long duration, the case of the applicant workmen will also be included. In view thereof following the said decision, this petition is also disposed of with like directions. Rule is made absolute. No order as to costs.

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